UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,558	12/31/1998	GREGORY LINDHORST	3797.77996	1430

			EXAMINER
28319 7590 06/28/2004			HO, THE T

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ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/223,558	LINDHORST ET AL.
	Examiner	Art Unit
	The Thanh Ho	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2004*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10-17 and 28-35* is/are allowed.

6)☒ Claim(s) *1,2,4-7,9,18-20,22-25,27 and 36* is/are rejected.

7)☒ Claim(s) *3,8,21,26 and 37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 4/19/2004.

2. Claims 1-37 have been examined and are pending in the application.

Allowable Subject Matter

3. Claims 10-17, and 28-35 are allowed.

4. Claims 3, 8, 21, 26 and 37 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-2, 6-7 and 24-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Breslau U.S Patent No. 6,421,736.

As to claim 1, Breslau teaches a system for transporting objects (runtime

migration of an object, line 56 column 3) between a first (host computer 37, Fig. 3) and

second machine (client computer 31, Fig. 3) comprising:

a memory (memory, 39 column 4) for storing code (store computer program code, lines 45-47 column 4);

a first processor (CPU, line 39 column 4) on said first machine (host computer 37, Fig. 3) for executing said code and instantiating an object (instantiating multiple instances of the object, lines 47-48 column 6) on said first machine (host computer 37, Fig. 3);

an output for outputting said object (outputting from the host computer to the client computer, Fig. 3; migrating an object, line 63 column 5) with persistence information (the state information accumulated within the object being "split" may be acquired; as an object is repeatedly invoked, certain variables within the object may persist between invocations such that the information contained thereby is accumulated; an object may include an invocation persistent variable that tracks the total number of times an object has been invoked, lines 28-36 column 6) to said second machine (client computer 31, Fig. 3);

wherein, after said object is output from said first machine (outputting from the host computer to the client computer, Fig. 3; migrating an object, line 63 column 5), said first processor deletes the instantiation of said object from said first machine (the single instance of the object is deleted, lines 66-67 column 6).

Breslau does not explicitly teach the first and second machines are programmed in different languages. However, Breslau teaches (lines 21-28 column 5) that the invention may be used in association with any object-oriented computer system having any particular system configuration and distribution of objects therein; for example, the

workstations may be heterogeneous with respect to one another. Therefore one of

ordinary skill in the art would conclude that the first and second machines in Breslau

could be programmed in different languages.

As to claim 2, Breslau as modified further teaches a second processor (CPU,

line 39 column 4) on said second machine (client computer 31, Fig. 3) for receiving said

object with persistence information (object is being migrating from the host computer to

the client computer, Fig. 3) and allowing interaction with said object, said interaction

creating events (invocations of the object, lines 61-67 column 3).

As to claims 6-7, they are method claims of claims 1-2, respectively. Therefore,

they are rejected for the same reasons as claims 1-2 above.

As to claims 24-25, they are method claims of claims 1-2, respectively.

Therefore, they are rejected for the same reasons as claims 1-2 above.

6. Claims 4-5, 9, 18-20, 22-23, 27 and 36 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Breslau in view of Barlow U.S Patent No. 6,275,935.

As to claim 4, Breslau teaches a system for manipulating objects (invocations of

the object, lines 61-67 column 3) received at a first machine (client computer 31, Fig. 3)

from a second machine (host computer 37, Fig. 3), comprising:

an input in said first machine for receiving (outputting from the host computer to

the client computer, Fig. 3; migrating an object, line 63 column 5) persistence

information (the state information accumulated within the object being "split" may be

acquired; as an object is repeatedly invoked, certain variables within the object may

persist between invocations such that the information contained thereby is accumulated;

an object may include an invocation persistent variable that tracks the total number of

times an object has been invoked, lines 28-36 column 6) to said second machine (client

computer 31, Fig. 3);

a processor (CPU, line 39 column 4) in said first machine (client computer 31,

Fig. 3) for instantiating an object based in part on said persistence information (instance

B1 of object B is being instantiated in client computer 31, Figs. 2-3);

an output for outputting object to the second machine (instance B1 from the client

computer is being migrating to the host computer, lines 44-54 column 7). Breslau does

not explicitly teach an event handler for receiving an event and modifying the object.

Barlow teaches a system (lines 30-40 column 17) having an event handler (an

event handler, line 39-40 column 17) in handling event (the event, line 40 column 17) in

combination with modifying (executed, line 40 column 17) the object (object 18, line 39

column 17). It would have been obvious to apply the teachings of Barlow to the system

of Breslau because when an event associated with an object is sent from one computer

to another computer, both the event and the object can be executed by the event

handler.

As to claim 5, it is a system claim of claims 1 and 4. Therefore, it is rejected for

the same reasons as claims 1 and 4 above.

As to claim 9, it is a method claim of claim 4. Therefore, it is rejected for the

same reasons as claim 4 above.

As to claim 18, it is a method claim of claim 4. Therefore, it is rejected for the same reasons as claim 4 above.

As to claim 19, it is a system claim of claims 1 and 4. Therefore, it is rejected for the same reasons as claims 1 and 4 above.

As to claim 20, it is a system claim of claim 2. Therefore, it is rejected for the same reasons as claim 2 above.

As to claim 22, it is a system claim of claims 1 and 4. Therefore, it is rejected for the same reasons as claims 1 and 4 above.

As to claim 23, it is a system claim of claims 1 and 4. Therefore, it is rejected for the same reasons as claims 1 and 4 above.

As to claim 27, it is a method claim of claims 1 and 4. Therefore, it is rejected for the same reasons as claims 1 and 4 above.

As to claim 36, it is a method claim of claims 1 and 4. Therefore, it is rejected for the same reasons as claims 1 and 4 above.

Response to Arguments

7. Applicant's arguments filed have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to The Thanh Ho whose telephone number is 703-306-

5540. A voice mail service is also available for this number. The examiner can

normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.

- OFFICAL faxes must be signed and sent to (703) 872 - 9306.

- NON OFFICAL faxes should not be signed, please send to (703) 746 – 3493

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TTH
June 18, 2004